

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**NATIONAL ASSOCIATION OF HOME  
BUILDERS OF THE UNITED STATES;  
CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA;  
OKLAHOMA STATE HOME  
BUILDERS ASSOCIATION; STATE  
CHAMBER OF OKLAHOMA;  
NATIONAL CHICKEN COUNCIL;  
NATIONAL TURKEY FEDERATION;  
and U.S. POULTRY & EGG  
ASSOCIATION,**

*Plaintiffs,*

**vs.**

**R. ALEXANDER ACOSTA,  
SECRETARY OF LABOR, in his official  
capacity;**

**LOREN E. SWEATT, DEPUTY  
ASSISTANT SECRETARY OF LABOR  
FOR OCCUPATIONAL SAFETY AND  
HEALTH, in her official capacity;**

**OCCUPATIONAL SAFETY AND  
HEALTH ADMINISTRATION; and**

**UNITED STATES DEPARTMENT OF  
LABOR,**

*Defendants.*

**NO. CIV-17-0009-PRW**

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs National Association of Home Builders of the United States, Chamber of Commerce of the United States of America, Oklahoma State Home Builders Association, State Chamber of Oklahoma, National Chicken Council, National Turkey Federation, and U.S. Poultry & Egg Association (“Plaintiffs”), by and through their undersigned counsel, moves the Court for Summary Judgment in the above-captioned matter, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Plaintiffs respectfully submit that such relief is warranted for the reasons set forth in the accompanying Memorandum In Support of Motion for Summary Judgment.

Dated: May 17, 2019

Respectfully submitted,

*/s/ Nathan L. Whatley*

Nathan L. Whatley, OBA #14601 (Local Counsel)  
McAfee & Taft A Professional Corporation  
10th Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, OK 73102-7103  
405.235.9621 / 405.235.0439 (Fax)  
[Nathan.Whatley@mcafeetaft.com](mailto:Nathan.Whatley@mcafeetaft.com)

JACKSON LEWIS, P.C.  
*/s/ Tressi L. Cordaro*  
Tressi L. Cordaro (*Pro Hac*)  
10701 Parkridge Boulevard, Suite 300  
Reston, VA 20191  
703.483.8300 / 703.483.8301 (Fax)

LITTLER MENDELSON, P.C.  
*/s/ Bradford T. Hammock*  
Bradford Hammock (*Pro Hac*)  
1650 Tysons Blvd., Suite 700  
Tysons Corner, VA 22102  
703.442.8425 / 703.442.8428 (Fax)

*Attorneys for Plaintiffs*

*Of Counsel:*

David Jaffe, Esq. (*Pro Hac*)  
Felicia Watson, Esq. (*Pro Hac*)  
National Association of Home Builders of  
the United States  
1201 15th Street, NW  
Washington, DC 20005  
202.266.8200

*Attorneys for Plaintiff National Association  
of Home Builders of the United States*

Steven P. Lehotsky, Esq. (*Pro Hac*)  
U.S. Chamber Litigation Center  
1615 H Street NW  
Washington, DC 20062  
202.463.5337

*Attorneys for Plaintiff Chamber of  
Commerce of the United States of America*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 17, 2019, a true, correct, and exact copy of the foregoing document was served via electronic notice by the CM/ECF filing system to all parties on their list of parties to be served in effect this date.

/s/ Bradford T. Hammock  
Bradford Hammock (*Pro Hac*)